

IN RE: PETITION FOR SPECIAL HEARING
S/S Old Northpoint Road, 108.13 ft. E
Of c/l of Riddell Avenue
612 Old North Point Road
12th Election District
7th Councilmanic District
Mary A. Wheatley
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-335-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 612 Old North Point Road in eastern Baltimore County. The Petition was filed by Mary A. Wheatley, property owner. Special Hearing relief is requested to permit the continued use of 612 Old North Point Road as three apartments (a nonconforming use). The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case were Mary A. Wheatley, property owner, and Lois K. Howard, her daughter. The Petitioner was represented by John Gontrum, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented in support of the Petition was that the subject property is a rectangularly shaped property, approximately 30 ft. wide and 102 ft. deep. It is improved by a two story brick duplex dwelling known as 612 Old North Point Road. The duplex building on the subject lot shares a common wall with the dwelling known as 610 Old North Point Road.

Apparently, the property has been owned by Ms. Wheatley and her family for many years. Testimony and evidence offered was that Ms. Wheatley's father constructed the building in 1944 as a 3 apartment unit. Since then, it has been so used. Three affidavits from neighbors within the community were presented at the hearing. Those affidavits all stated that the duplex dwelling has been used as a three apartment unit on a continuous and uninterrupted basis since 1944. There were no Protestants present to contradict or question

ORDER RECEIVED FOR FILING

Date

By

4/16/99
Mr. Howard

this testimony. Moreover, a copy of Ms. Wheatley's father's Last Will and Testament was submitted. That document was probated in the early 1960s and described the premises at that time as a three apartment unit. Additionally, testimony was that the adjacent unit at 610 Old North Point Road is owned by Ms. Wheatley's sister and has been similarly used.

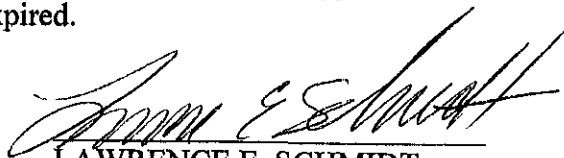
A nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations (BCZR) and regulated in Section 104. Essentially, the nonconforming designation is utilized to grandfather an otherwise illegal use. That is, if the use is determined to be nonconforming, it may continue, notwithstanding the fact that same is not permitted under the current zoning regulations.

In this case, the uncontradicted testimony was that the property is used as a nonconforming use continuously since 1944. The testimony offered was sufficient to support a finding that the use is nonconforming, under law. Thus, the Petition for Special Hearing shall be granted.

Pursuant to the advertisement, posting of the property and the public hearing on this Petition held, and for the reasons given above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of April, 1999 that, pursuant to the Petition for Special Hearing, approval of the continued use of 612 Old North Point Road as three apartments, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
Date 4/16/99
By M. D. [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 14, 1999

John Gontrum, Esquire
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: *Petition for Special Hearing*
Case No. 99-335-SPH
Property: 612 Old North Point Road
Petitioner: Mary A. Wheatley

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
Encl.
Copy:
Ms. Mary A. Wheatley
8830 Walther Boulevard
Chesapeake #4101
Parkville, Maryland 21234

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 612 Old North Point Road

which is presently zoned

DR55

This Petition shall be filed with the Department of Permits & Development Management:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

The continued use of 612 Old North Point Road as three apartments

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Mary A. Wheatley

(Type or Print Name)

Signature

(Type or Print Name)

8820 Walther Blvd

Chesapeake #4101

Address

Phone No

Parkville, Maryland 21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Mary A. Wheatley

(410) 882-3334

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

2/26/99



Revised 9/5/95

SEE LTR
TO CAM TWR

335

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Zoning Description
#612 Old North Point Road
Baltimore County, Md. - Elect. Dist. No. 12

February 19, 1999

Beginning for the same at a point on the southern side of Old North Point Road (approximately 40 foot wide), said point of beginning being measured 108.13 feet in a southeasterly direction along said southern side of Old North Point Road from the centerline of Riddel Avenue (36 foot wide), said point of beginning being on the northern outline of Lot 5 shown on a Plat entitled "EAST-VIEW" dated August, 1924, recorded among the Plat Records of Baltimore County, Maryland in Liber L.McL.M. 9 folio 117, running thence leaving said point of beginning, binding on part of the northern outline of said Lot 5, binding on all of the northern outline of Lot 6 and binding on part of said southern side of Old North Point Road all shown on said Plat of "EAST-VIEW" in all,

1) southeasterly 30.01 to the northernmost division corner of Lot 6 and Lot 7, running thence leaving said southern side of Old North Point Road binding on the common division line of Lot 6 and Lot 7 on said Plat of "EAST-VIEW",

2) southwesterly 102.40 feet to the southernmost division corner of said Lot 6 and Lot 7, running thence binding on all of the southern outline of said Lot 6 and binding on part of the southern outline of said Lot 5 shown on said Plat of "EAST-VIEW" in all,

3) northwesterly 30.00 feet to a point on the southern outline of said Lot 5, running thence through said Lot 5 shown on said Plat of "EAST-VIEW",

4) northeasterly 103.20 feet to the point of beginning.

Being part of Lot 5 and all of Lot 6 shown on a Plat entitled "EAST-VIEW" dated August, 1924, recorded among the Plat Records of Baltimore County, Maryland in Liber L.McL.M. 9 folio 117.

NOTE:

The above description is for zoning purposes only and is not intended to be used for conveyances or agreements.



CERTIFICATE OF PUBLICATION

TOWSON, MD.,

March 25, 19 99

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 25, 19 99.

THE JEFFERSONIAN,

S. Wilkinson

ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-386-SPH
812 Old North Point Road
S/S Old North Point Road,
108.13' E of centerline Riddell
Avenue

12th Election District

7th Councilmanic District

Legal Owner(s):

Mary A. Wheelley

Special Hearing: to approve
the continued use as three
apartments

Hearing: Friday, April 9,
1999 at 11:00 a.m. in Room
108, County Office Building,
111 West Chesapeake Ave-
nue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4388.

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

3/423 March 25 - C299598

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 2/26/99 ACCOUNT 335 JL No. 065471
R0016150
AMOUNT \$ 250.00

RECEIVED FROM: HOWARD

FOR: SPH (C) SPECIAL HEARING FILING-FEE.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
2/01/1999 2/26/1999 15:50:10
REG 4501 CASHIER CLIM CML DRAWER 1
5 MISCELLANEOUS CASH RECEIPT
Receipt # 089926 OFLN
CR NO. 065471

250.00 CHECK
Baltimore County, Maryland

99-335-SPH

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 99-335-SPH

Petitioner/Developer: _____

MARK WHEATLEY

Date of Hearing/Closing: 4/9/99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

612 OLD NORTH POINT ROAD

CASE # 99-335-SPH

3/25/99
Month, Day, Year)

Sincerely,

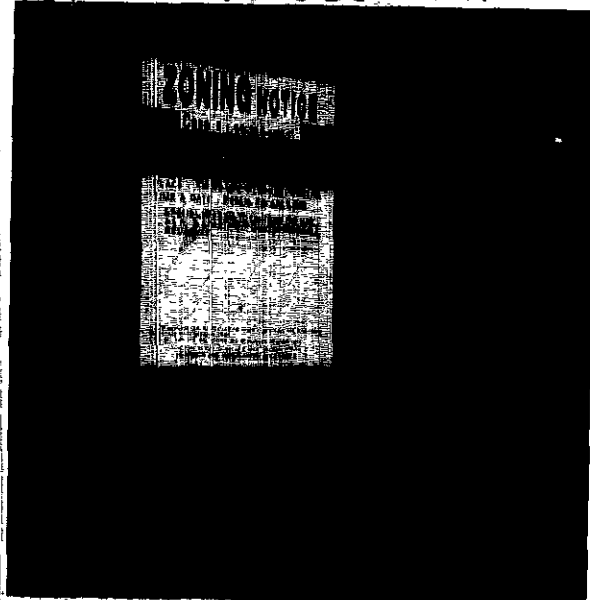
Richard E. Hoffmann 3/25/99
(Signature of Sign Poster and Date)

RICHARD E. HOFFMANN
(Printed Name)

904 DELLWOOD DR
(Address)

FALLSTON, MD. 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



612 OLD NORTH POINT RD

POSTED 3/25/99

Richard E. Hoffmann 3/25/99



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 335

Petitioner: MARY A. WHEATLEY

Location: 612 Old North Point Road, Baltimore

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Mary A. Wheatley

ADDRESS: 8820 Walther Blvd. Chesapeake #4101

Parkville, Maryland 21234

PHONE NUMBER: (410) 882-3334

AJ:ggs

(Revised 09/24/96)

49.335-SPH

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

*Copies to
M. Wheatley and
L. Wheatley
Sent Receipt
Yellow copy
to M. Wheatley*

ZONING NOTICE

Case No.: 99-335-SPH

A PUBLIC HEARING WILL BE HELD BY:
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: A SPECIAL HEARING TO CONTINUE THE USE
AS A 3 APARTMENT (NONCONFORMING) RESIDENCE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
March 25, 1999 Issue – Jeffersonian

Please forward billing to:

Mary A. Wheatley 410-882-3334
8820 Walther Boulevard
Chesapeake #4101
Parkville, MD 21234

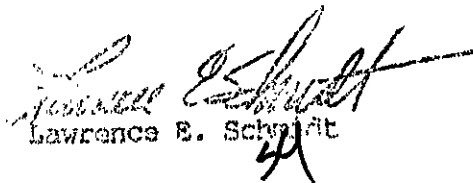
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-335-SPH
612 Old North Point Road
S/S Old North Point Road, 108.13' E of centerline Riddell Avenue
12th Election District – 7th Councilmanic District
Legal Owner: Mary A. Wheatley

Special Hearing to approve the continued use as three apartments.

HEARING: Friday, April 9, 1999 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

March 8, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-335-SPH
612 Old North Point Road
S/S Old North Point Road, 108.13' E of centerline Riddell Avenue
12th Election District – 7th Councilmanic District
Legal Owner: Mary A. Wheatley

Special Hearing to approve the continued use as three apartments.

HEARING: Friday, April 9, 1999 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Mary Wheatley
Larry F. Wheatley, Esquire

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 25, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 1, 1999

Ms. Mary A. Wheatley
8830 Walther Boulevard
Chesapeake #4101
Parkville, MD 21234

RE: Case No.: 99-335-SPH
Petitioner: Mary A. Wheatley
Location: 612 Old North Point Rd

Dear Ms. Wheatley:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 26, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: March 19, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for March 15, 1999
 Item No. 335

 The Bureau of Development Plans Review has reviewed the subject zoning item. The issue of adequate on-site parking shall be addressed.

RWB:HJO:jrb

cc: File

ZONE0315.335



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

March 11, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MARCH 8, 1999

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

THE FIRE DEPARTMENT HAS NO COMMENTS REGARDING THE FOLLOWING ITEMS:

331, 332, 333, AND 335

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: March 16, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

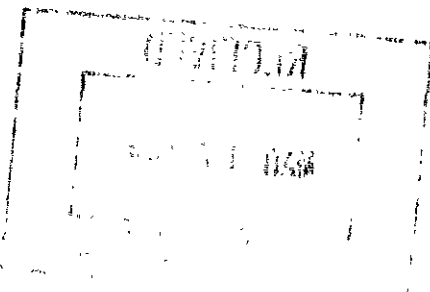
The Office of Planning has no comment on the following petition (s):
Item No (s): 333 & 335

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 3/14/99

FROM: R. Bruce Seeley, Project Manager *RB Seeley*
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 3/8/99

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s: 332
333
334
335



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3.9.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204


RE: Baltimore County
Item No. 335 JLL

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


1r Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
612 Old North Point Road, S/S Old North Point Rd,
108,13' E of c/l Riddell Ave, 12th Election District,
7th Councilmanic

Legal Owners: Mary A. Wheatley

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-335-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 1999, a copy of the foregoing Entry of Appearance was mailed to Legal Owners Mary A. Wheatley, 8820 Walther Blvd., # 4101, Baltimore, MD 21234, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: March 17, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - JC
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 335
PETITIONER: Mary Wheatley

VIOLATION CASE NO.: 98-0530

LOCATION OF VIOLATION: S/S Old North Point Road, 108.13' E of centerline
Riddell Avenue (612 Old North Point Road)
12th Election District

DEFENDANT(S): Mary Wheatley

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/jc/lmh

335

~~EP~~
This Petition was being held by Kate
then to Carl pending site plan and
description as per Kate's request.

The Petition and Aof form have changed
but per Kate's request I am not
requiring new petitions etc. Since
we didn't ~~ask~~ ask for them originally

IL.

O/K ucr

99-335-SPH

LAW OFFICES
LARRY F. WHEATLEY, P.C.
608 Old Post Road.
Cotuit, Massachusetts 02635
(508) 428-7515

*Loe
Distr
Loid Howard
410-515-0595*

ALEXANDRIA OFFICE:
110 North Royal, Suite 200
Olde Towne
Alexandria, Virginia 22314

LARRY F. WHEATLEY
(Massachusetts & Virginia)

September 13, 1998

Mr. W. Carl Richards
C/O Catherine Milton
Baltimore County-Zoning Office
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Special Hearing/ 612 Old North Point Road

Dear Mr. Richards & Ms Milton

In August my mother and I met with you to file a Petition For Special Hearing. The checklist we had received from your offices was missing pages and was for a residential vs. non-residential filing. You agreed to permit us to file by mail, in lieu of a second personal appearance.

It has taken the intervening time period to get a new non-residential survey completed. Enclosed are the items required to file for a Special Hearing on the Non Residential Property at 612 Old North Point Road. Should there be any additional requirements, please contact me directly.

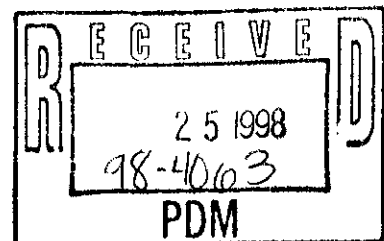
My mother is advanced in age and has difficulty understanding the governmental process. You indicated at our last meeting that the hearing date could be adjusted to accommodate my attendance from out of town. I was unclear as to the scheduling time delay from the time the Petition is received to the Hearing. I will call Ms Milton after your receipt to work out hearing details.

Thank you in advance for your assistance.

Sincerely,

[Signature]
Larry F. Wheatley

99.335-SPH



*9/26/98
absolutely-
cooperates*

*To: CAM
FSA Call in
Item #*

*JLL -
Dook at -
contact
owner +
engineer
wcr 1/29/99*

335

AFFIDAVIT OF OWNER

I am a 70 year old single woman who lives on her own and has up to this point been self sufficient. Over half of my monthly income has been coming from the three apartments at 612 Old North Point Road. The balance of the money I live on month to month includes a meager \$170 Social Security payment and a small alimony check from my former husband. I do not own any other rental property.

I have taken great pride in keeping these 50+ year old apartments that I inherited from my father, in good condition on a very limited budget. I have taken equal pride in remaining financially independent. By denying me the income from three apartments you will place me in a financial crisis that will leave me without sufficient income on which to live. I do not want to be forced onto any type of public assistance .

As outlined in the three enclosed affidavits from long standing residents of Old North Point Road area, the three apartments at 612 Old North Point Road were built by my father in 1944.(the original affidavits are on file with Director for the Department of Permits and Development Management) They have been in continual use as three apartments since construction. I inherited the property in 1961. I have continually rented the three apartments, maintained them, paid the taxes and environmental fees on all three apartments on time. If you'll check your records, you will see that I have NEVER had a complaint filed by a tenant.

I am here because a tenant that refused to pay rent figured she could avoid rent by calling the Baltimore County Inspectors. In fairness, the inspector did find some minor problems (i.e.: loose toilet, missing banister, more smoke alarms needed, dripping hot water faucet, broken livingroom door, 1 missing outlet cover), which were fixed immediately as soon as the inspector finally made it clear to the belligerent tenant (who changed their locks) that they must give the landlord's repairman access to complete the work.

44. 335-SPH

Certainly it was the inspectors responsibility to ensure safety in these apartments. I was surprised when he then advised me that despite the continual use of this building as apartments they were not zoned as three apartments. When I inherited these from my father and subsequently mortgaged the property, I was never advised of any such zoning issue.

The Director of the Department of Permits and Development Management has approved the building for two apartments, however this reduces my income by 1/3.

I request that you approve the continued use of 612 Old North Point Road as three apartments, considering the facts that:

- (1) the property has been in continual use as three apartments for over 55+ years since 1944 and qualifies as a property that should be grandfathered because it was constructed prior to the code, and
- (2) we have complied with all the items that the building inspector had noted, and
- (3) our 55+ years of servicing lower income tenants without any previous complaint,

Thank you for you help.

Mary A. Wheatley
MARY A. WHEATLEY, Owner

STATE OF MARYLAND

to wit:

Hartford
COUNTY OF ~~BARNSTABLE~~

I, Lois K. Howard, the undersigned Notary Public in and for the State and County aforesaid, do certify that Mary A. Wheatley whose name(s) are signed to the above document have acknowledged the same before me in the State and County aforesaid

Given under my hand and notarial seal this 22nd day of June, 19 90.

Lois K. Howard
NOTARY PUBLIC

my commission expires: 3-1-01

**CONDITIONAL USE PERMIT
FOR
TWO APARTMENTS**

This use permit for two apartments at 612 Old North Pt. Rd.
(address)

is issued entirely upon the basis of the herein affidavit, including the dates of original use and continuous use sworn to therein. The responsibility for the accuracy of said dates and uses is entirely that of the legal owner and/or agent thereof. In the event that the accuracy is challenged, our approval is automatically withdrawn; the use permit will be reinstated only after public hearing and submission of testimony that alleviates the allegations contained in the challenge and otherwise provides the proofs necessary to establish a legal non-conforming use for the number of apartments claimed. Knowingly falsifying the affidavit information on the reverse side of this permit is subject to the penalties of perjury.

DATE: 4.15.98

APPROVED BY: 

DIRECTOR, DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Zoning Administration and Development Management (ZADM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Mary Jean Perzynski
AFFIANT (Handwritten Signature)

MARY JEAN PERZYNSKI
AFFIANT (Printed Name)

707 NORTH PT ROAD
ADDRESS (Printed)

410-285-4488
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 612 Old North Point Rd. has been occupied as a 3 apartment dwelling since May or June, 1944? Yes
(address) (month) (year) (answer)
(2, etc.)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since May or June, 1944? Yes
(month) (year) (answer)
3. Will you realize any gain from the sale of this property? No. *
(answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 14th day of April, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Mary Jean Perzynski, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

[Signature]
NOTARY PUBLIC
My Commission Expires 1 March 2001

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Director of Zoning Administration and Development Management (ZADM), as follows:

That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

William Gattus
AFFIANT (Handwritten Signature)

William GATTUS
AFFIANT (Printed Name)

7407 Poplar Ave
ADDRESS (Printed) BALTIMORE

410-285-0008
TELEPHONE NUMBER

BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. Can you verify by this affidavit and/or testify in court, if necessary, that the home located at 612 OLD NORTH POINT RD has been occupied as a 3 apartment dwelling since JUNE, 1944? yes
(address) (month) (year) (2, etc.) (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since JUNE, 1944? yes
(month) (year) (answer)
3. Will you realize any gain from the sale of this property? No *
(answer)

*If the answer is yes, this form cannot be approved.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY this 14th day of APRIL, 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared William Gattus, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts herein above set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Seal
NOTARY PUBLIC
My Commission Expires MARCH 2001

CONDITIONAL USE PERMIT FOR TWO APARTMENTS

This use permit for two apartments at 612 OLD NORTH POINT ROAD
(address)

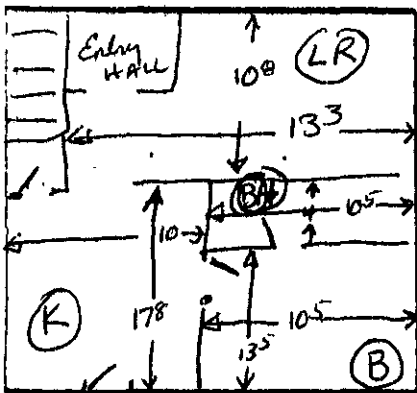
is issued entirely upon the basis of the herein affidavit, including the dates of original use and continuous use sworn to therein. The responsibility for the accuracy of said dates and uses is entirely that of the legal owner and/or agent thereof. In the event that the accuracy is challenged, our approval is automatically withdrawn; the use permit will be reinstated only after public hearing and submission of testimony that alleviates the allegations contained in the challenge and otherwise provides the proofs necessary to establish a legal non-conforming use for the number of apartments claimed. Knowingly falsifying the affidavit information on the reverse side of this permit is subject to the penalties of perjury.

DATE: 4-15-98

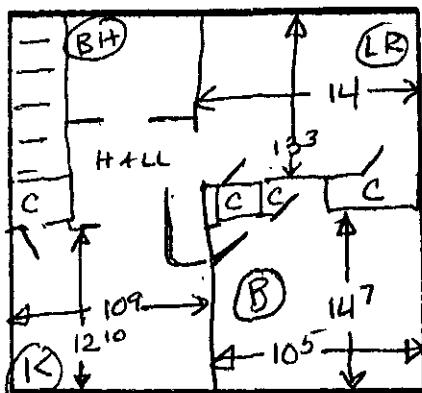
APPROVED BY: _____


DIRECTOR, DEPARTMENT OF PERMITS
AND DEVELOPMENT MANAGEMENT

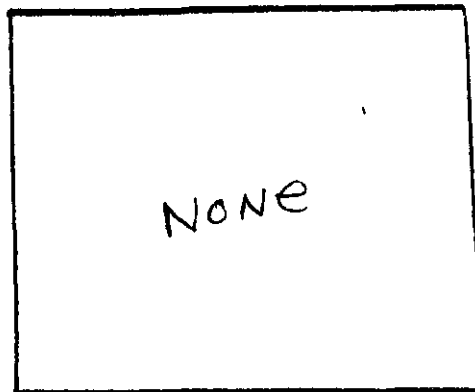
THIS SHEET TO BE SUBMITTED WITH 2 APARTMENT AFFIDAVIT AND A CHECK FOR \$4000 MADE PAYABLE TO: BALTIMORE COUNTY, MARYLAND



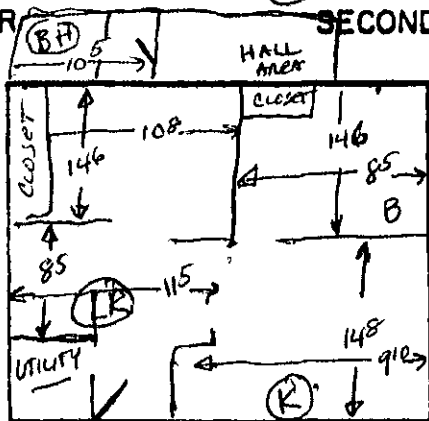
FIRST FLOOR



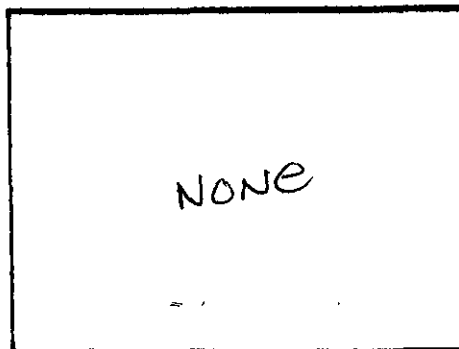
SECOND FLOOR



THIRD FLOOR



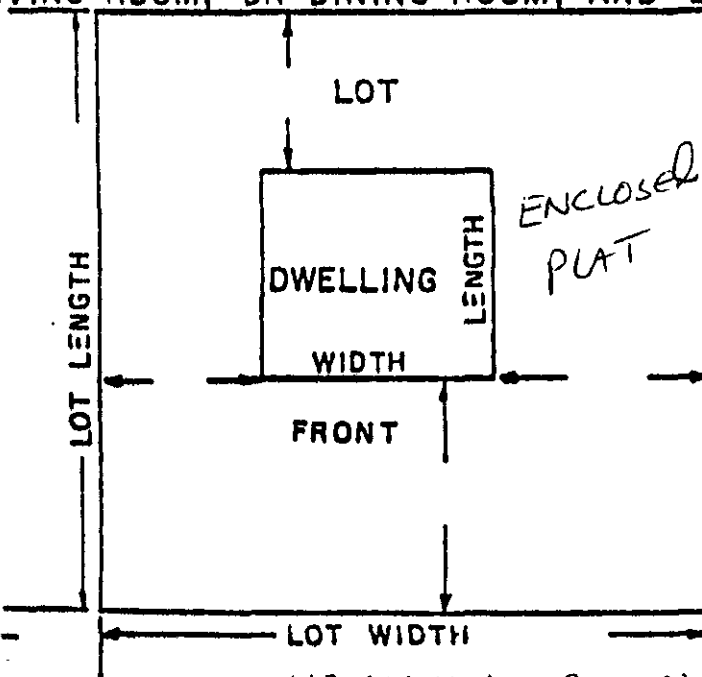
BASEMENT



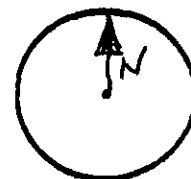
ATTIC

DIRECTIONS: DRAW IN EACH ROOM AND MARK ITS USE/LENGTH AND WIDTH. MARK WHICH FLOOR HAS APARTMENT. IF DWELLING IS SEMI DETACHED USE 1 SHEET FOR EACH APARTMENT.

LEGEND: K=KITCHEN, B=BEDROOM, BH=BATH, S=STORAGE, C=CLOSET, LR=LIVING ROOM, DR=DINING ROOM, AND D=DEN.



SHOW NORTH ARROW IN CIRCLE.



INCLUDE DWELLING DISTANCE TO PROPERTY LINES. FRONT, SIDES, AND REAR.

NAME AND DISTANCE TO NEAREST INTERSECTING ROAD

NAME AND DISTANCE TO NEAREST INTERSECTING ROAD

ADDRESS: 612 OLD NORTH POINT RD

NAME OF STREET FRONTING PROPERTY

(IF A CORNER LOT NAME SIDE STREET) OWNERS

SIGNATURE

THIS SHEET TO BE SUBMITTED WITH 2 APARTMENT AFFIDAVIT AND A CHECK FOR \$40⁰⁰ MADE PAYABLE TO: BALTIMORE COUNTY

K L X W 20' X 12'	B L X W
LR L X W	D L X W
	BH L X W

FIRST FLOOR APT. #1

B L X W	B + L X W
BH L X W	DR + L X W
B L X W	LR + L X W

SECOND FLOOR APT. #2

IF THERE IS NOT A 3RD FLOOR MARK N/A OTHERWISE MARK FT² AND USE.

THIRD FLOOR

S + L X W

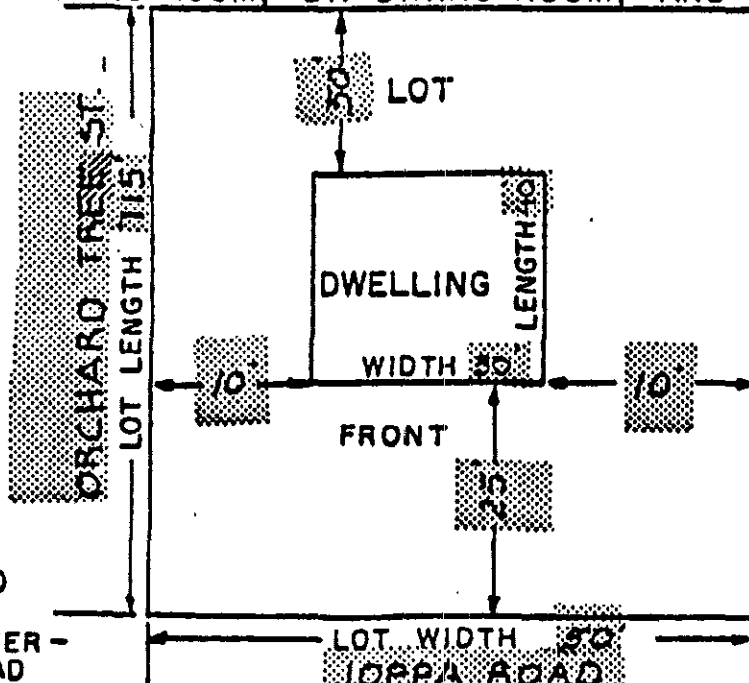
BASEMENT

S + L X W

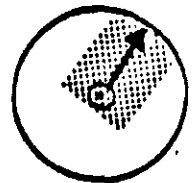
ATTIC

DIRECTIONS: DRAW IN EACH ROOM AND MARK ITS USE/LENGTH AND WIDTH. MARK WHICH FLOOR HAS APARTMENT. IF DWELLING IS SEMI DETACHED USE 1 SHEET FOR EACH APARTMENT.

LEGEND: K=KITCHEN, B=BEDROOM, BH=BATH, S=STORAGE, C=CLOSET, LR=LIVING ROOM, DR=DINING ROOM, AND D=DEN.



SHOW NORTH ARROW IN CIRCLE.



NAME OF AND DISTANCE TO NEAREST INTERSECTING ROAD

INCLUDE DWELLING DISTANCE TO PROPERTY LINES. FRONT, SIDES, AND REAR.

LOT WIDTH 50'
JOPPA ROAD
* 3415 ADDRESS AND
NAME OF STREET FRONTING PROPERTY
(IF A CORNER LOT NAME SIDE STREET)

DISTANCE TO NEAREST INTERSECTING ROAD
230' TO LOCH RAVEN BLVD.

John Smith

Apartment

Baltimore, Maryland, I give, devise and bequeath the said apartment dwelling known as 610 North Point Road and the said unimproved lot unto my daughter ELEANOR TRAINY; and I give, devise and bequeath the other said apartment dwelling known as 612 North Point Road unto my daughter MARY WHEATLEY.

ITEM FIFTH: I give, devise and bequeath unto LAWRENCE ANTHONY LICEPI, my son, all my right, title and interest in and to the properties now known as 7618 Cypress Avenue, Baltimore County, Maryland, and 2600 Hampden Avenue, Baltimore 11, Maryland.

ITEM SIXTH: I give and bequeath any automobile which I may own at the time of my death unto the said ELEANOR TRAINY, my daughter.

ITEM SEVENTH: Wherever by the terms of Items Fourth, Fifth and Sixth of this Will a bequest or a devise is made to a son or daughter of mine and if such son or daughter shall have predeceased me then I give, devise and bequeath such devise or bequest unto the descendants, who shall survive me, per stirpes and not per capita, of such deceased son or daughter.

ITEM EIGHTH: I give, devise and bequeath unto LAWRENCE A. LICEPI, my son, provided he shall survive me, all the rest and residue of my estate of whatsoever kind, nature and description and wheresoever the same may be situate, which I may own or be entitled to at the time of my death or over which I may have a general power of testamentary disposition. In the event that my said son shall have predeceased me then I give, devise and bequeath said rest and residue of my estate in equal shares unto

my surviving children and descendants of my deceased children, per stirpes and not per capita.

ITEM NINTH: (a) I hereby appoint UNION TRUST COMPANY OF MARYLAND, a corp. organized in the State of Maryland, as Executor of this will and I request that it be excused from giving bond.

Petitioners

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Mary A. Wheatley
Mary A. Wheatley

OCT 17 Crest
8820 Waltham Blvd 21134

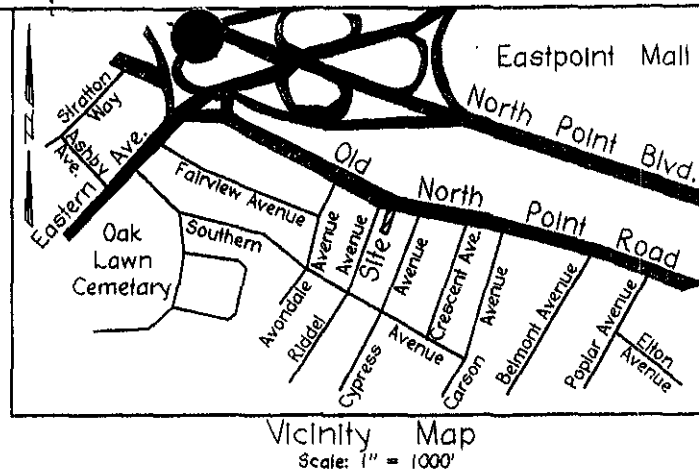
Lois K. Howard

2943 Whiteford Rd,
Whiteford, MD. 21160

John Centron

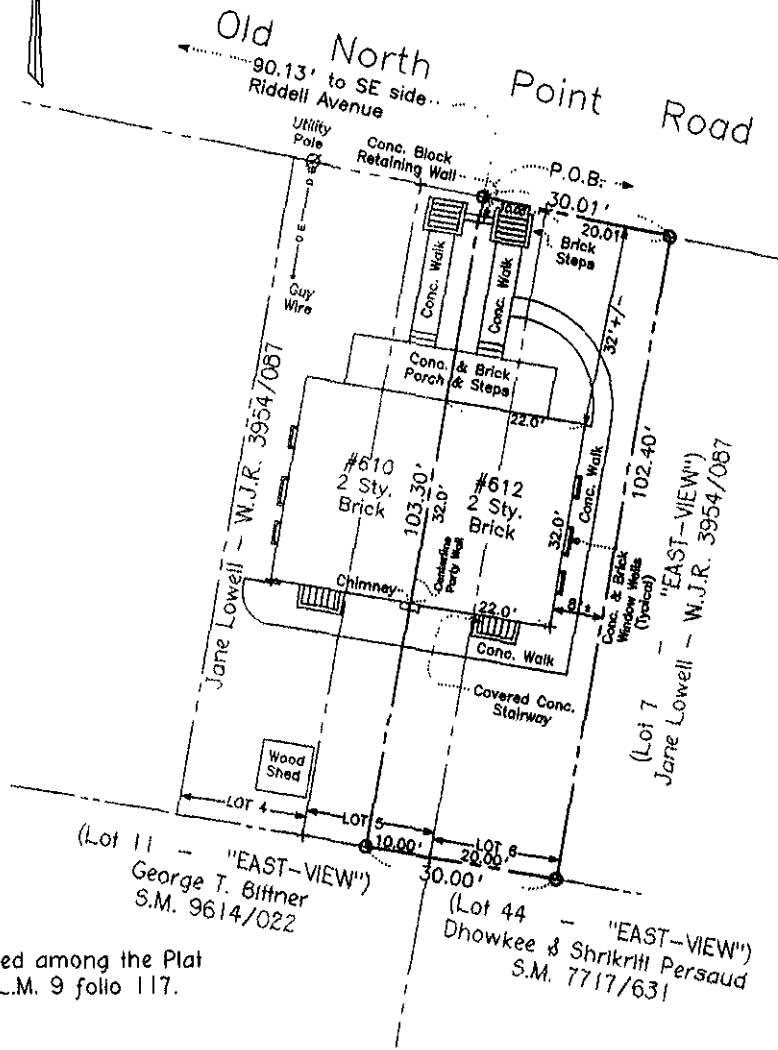
NOTES:

- 1) Site is currently Zoned D.R.5.5 shown on Baltimore County 1996 Comprehensive Zoning Map Sheet S.E. 1-E.
- 2) Current Use:
- 3) County Council District:
- 4) This Plat is representative of a Location Drawing prepared in accordance with The State Board for Professional Land Surveyors Minimum Standards of Practice. This Plat is not to be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements and does not provide for the accurate identification of property boundary lines. The dimensions shown hereon are within a tolerance of one foot.



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

George W. Stephens, Jr.
ASSOCIATE
REG. NO. 605 DATE 2-19-99



REFERENCE:

Plat entitled "EAST-VIEW" dated August, 1924, recorded among the Plat Records of Baltimore County, Maryland in Plat Book L.M.C.L.M. 9 folio 117.

FOR TITLE SEE:

Deed dated October 25, 1979 between Terrence Patrick Wheatley et al and Mary Ann Wheatley, recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6104 folio 123.

**Plan to Accompany Zoning Hearing
#612 Old North Point Road**

Fee Simple Title vested in:

Mary Ann Wheatley
#8820 Walther Boulevard, Apt. 4101
Baltimore, Maryland 21234

Baltimore County, Maryland Elect. Dist. No. 12
Scale: 1" = 30' Date: February 19, 1999



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

335

99-335-SPH

99-335-SPH